IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

RENEE CHRISTENSEN, Plaintiff, vs. **BOARD OF TRUSTEES FOR ROCK VALLEY COLLEGE and ROCK VALLEY COLLEGE,** in their official and individual capacities, Defendants	)	**Case No.: 17 CV**

COMPLAINT

Now comes the plaintiff, Renee Christensen, by and through his attorney, Steven E. Glink, and complaining against the defendants, states as follows:

VENUE AND JURISDICTION

1. This action is brought pursuant to Title VII, 42 USC 2000-e, et seq, The Americans with Disabilities Act 42 USC 12101, et seq. and the Rehabilitation Act of 1973, 29 USC 701, et seq.
2. The complaint seeks damages disability discrimination. Various pendent state claims for discrimination are brought under the Illinois Human Rights Act, 775 ILCS 5/2-101, et seq. Other pendent state tort claims are also brought.
3. Jurisdiction is proper pursuant to 28 USC 1331.
4. Venue is proper pursuant to 28 USC 1392.

THE PARTIES

5. At all times relevant to this complaint, Renee Christensen was a citizen of the United States of America and a resident of the City of Loves Park, Winnebago County Illinois.
6. At all times relevant to this complaint, Rock Valley College (RVC) was a Community College organized pursuant to the laws of the State of Illinois.
7. RVC's principal place of business was located in Rockford, Winnebago County, Illinois.
8. At all times relevant to this complaint, the Board of Trustees (BOT) consisted of a group of citizens who were elected or selected to operate the College.
9. Pursuant to various provisions of Illinois law, the BOT was empowered to make employment decisions, including but not limited to the hiring, firing and discipline of its employees.
10. The BOT was a decision-maker and an employer as those terms are defined in the Illinois Human Rights Act, Title VII, the ADA and Section 504 of the Rehabilitation Act.
11. At all times relevant to this complaint, defendants were recipients of federal funds.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff was employed by the BOT as a professor from 1999-October 28, 2014.
13. Plaintiff was diagnosed with ADHD and anxiety in 2014.
14. Defendants regarded plaintiff as having impairment.
15. Plaintiff is a protected person under the definitions of Title VII, The ADA, Section 504 and the IHRA.
16. Plaintiff was able to perform the essential functions of her job with reasonable accommodations.
17. On numerous occasions between 2014-10/26/15, plaintiff requested that the defendants provide her with reasonable accommodations.
18. Defendants refused each and every request for reasonable accommodations.

19. Under the law, the defendants were prohibited from taking any adverse job action against plaintiff in retaliation for plaintiff's internal complaints and/or the filing of a discrimination charge at the IDHR and/or the EEOC.

20. Under the law, the defendants were prohibited from creating and/or maintaining a hostile work environment that was based on plaintiff's disability or in retaliation for plaintiff's filing discrimination charge at the IDHR and / or EEOC.

21. During the entire time that she was employed by the BOT, plaintiff performed her duties as a professor in an exemplary manner and met the legitimate expectations of her employer.

22. At all times relevant to this complaint, plaintiff's job performance was as good as or better than the job performance of similarly situated employees.

23. Plaintiff filed her charge of discrimination with the IDHR/EEOC on 8/15/15 (a copy of said charge is attached hereto as exhibit A).

24. The IDHR/EEOC issued a right to sue letter to plaintiff on 6/13/17(a copy of which is attached hereto as exhibit B).

25. This Complaint is filed within 90 days from the receipt of the right to sue letter.

COUNT I- VIOLATIONS OF TITLE VII

26. Plaintiff realleges each and every allegation in paragraphs 1-25 above as her allegations for this count.

27. Plaintiff was subject to disparate treatment and disparate that created a hostile work environment due to her sex and gender because the employer continually imposed unreasonable conditions of employment on plaintiff that the employer did not impose on other similarly situated male employees including but not limited to the following:

    A. Plaintiff was required to notify students directly of cancelled classes while that duty was performed by the Dean for male employees;

B. Plaintiff was required to call/arrange for substitute teachers for her class while that duty was performed by other staff members for male employees;

C. Plaintiff was criticized for being unorganized by her superiors because her equipment was not properly set up or cleaned while that duty was performed by a lab tech for male employees;

D. Plaintiff was threatened with discipline for using her accumulated sick days for a medical appointment when no other similarly situated male employees were treated that way;

E. Plaintiff was not paid for her performance as a substitute teacher (her name was erased from the sub roster) while no other similarly situated males were treated that way be the employer.

28. Defendants above described acts and omissions created and permitted a hostile work environment toward plaintiff based upon her sex and gender.

29. Defendants retaliated against plaintiff for participating in protected activity (i.e., reporting environmental violations to the IEPA) by filing false disciplinary charges and eventually terminating her employment.

Wherefore, plaintiff respectfully prays that this Honorable Court enter a judgment in her favor in an amount in excess of $75,000 to compensate her for lost wages and emotional distress. Plaintiff further prays that the Court award all costs and reasonable attorney's fees.

COUNT II-VIOLATION UNDERTHE ADA

30. Plaintiff realleges each and every allegation in paragraphs 1-25 above as her allegations for this paragraph.

31. This count is brought pursuant to Title II and Title III of the Americans with Disabilities Act, 42 U.S.C. 12101, et seq.

32. At all times relevant to this complaint, the plaintiff was a qualified individual with a disability as defined by law in that plaintiff had impairments, was regarded as having impairments or had a record of impairments.

33. Plaintiff's impairments included but are not limited to:

    A. The physical impairment of a fractured ankle;

    B. Chronic migraine headaches;

    C. Depression and anxiety.

34. At all times relevant to this complaint, defendant was a covered entity as a governmental employer and a public accommodation that employed more than 15 people.

35. The defendant was aware of plaintiff's disabilities as plaintiff had made several requests for reasonable accommodations.

36. Despite her impairments, plaintiff was able to perform the essential functions of her job with reasonable accommodations.

37. On each and every occasion that plaintiff requested reasonable accommodations, defendant denied those requests.

38. Defendant terminated plaintiff's employment on 10/28/14 based on her disabilities and in retaliation for plaintiff's internal complaints about defendant's failure to accommodate her disabilities.

39. Plaintiff received her "right to sue" letter from the EEOC on 6/17/17.

40. The statute protects the rights of all persons to be free from disability discrimination in a place of employment.

41. As per the above allegations, the defendant violated plaintiff's right to be free from disability discrimination.

Wherefore, plaintiff respectfully prays that this Honorable Court enter a judgment is her favor and against the defendant in an amount in excess of $75,000. Plaintiff further prays that the Court enter an award of costs and reasonable attorney's fees.

COUNT III-VIOLATION OF SECTION 504 OF THE REHABILITATION ACT

42. This count is brought pursuant to section 504 of the Rehabilitation Act of 1973, 29 USC 701, et seq.
43. Rock Valley College is a recipient of federal funds.
44. Plaintiff re-alleges her allegation in paragraphs 1-25 and 32-40 as her allegations for count III herein.
45. The above allegations establish that defendant discriminated against plaintiff in her job based solely on her disabilities.

WHERERFORE, plaintiff respectfully prays that this Honorable Court enter judgment in her favor and against the defendant in an amount in excess of $75,000. Plaintiff further prays that the Court enter an award of costs and reasonable attorney's fees.

COUNT IV-VIOLATIONS OF THE ILLINOIS HUMAN RIGHTS ACT

46. Plaintiff re-alleges all of her allegations in paragraphs 1-25 and 32-40 above as her allegations in this paragraph.
47. The Illinois Human Rights Act ("The Act") prohibits discrimination based on disability, sexual and gender. 775 ILCS 5/1-101, et. Seq.
48. Plaintiff is within the class of citizens protected by the Act.
49. Defendant is an employer under section 2-101(B) (1) (a) of the Act.
50. Section 6-101 of the Act authorizes a cause of action against any individual who retaliates against an individual who opposes a violation of the Act.

51. All of the aforedescribed actions by the defendant constitutes discrimination under the Act.

WHEREFORE, plaintiff respectfully prays that this Honorable Court enter a judgment in her favor and against the defendant in an amount in excess of $75,000 plus costs and reasonable attorney's fees.

COUNT V-RETALAITORY DISCHARGE

52. Plaintiff was an employee at will at Rock Valley College.
53. At various times (dates??), plaintiff sustained numerous injuries at work.
54. Plaintiff filed multiple workers compensation claims against her employer based on her workplace injuries.
55. Defendant terminated plaintiff's employment shortly after plaintiff filed her last workers compensation claim.
56. Illinois case law and public policy prohibits an employer from terminating an employee's employment in retaliation for the employee filing workers compensation claims provides a cause of action in federal court for any person aggrieved by a violation of the ICRA.
57. The conduct described above constitutes a violation of the Illinois law and public policy.

Wherefore, plaintiff respectfully prays that this Honorable Court enter a judgment in his favor, and against the defendants, in an amount in excess of $75,000 plus costs.

COUNT VI-VIOLATION OF THE ILLINOIS WHISTLEBLOWER ACT

58. Plaintiff was an employee of the defendant as defined by the Illinois Whistleblower Act (IWA), 740 ILCS 174/ 5.
59. The defendant was an "employer" as defined by (IWA), 740 ILCS 174/5.
60. At all times relevant to this complaint, defendants' conduct in discriminating against the plaintiff based on his race and/or gender were violations of state and federal law.

61. At all times relevant to this complaint, plaintiff made numerous complaints to the Illinois Environmental Protection Agency (IEPA) about mold and other unsafe environmental condition in the workplace.

62. The IEPA is a government authority as defined by the IWA.

63. The IEPA investigated plaintiff's complaints and found those complaints to be valid.

64. The IEPA eventually ordered the defendant to take corrective action and imposed various fines on the defendant.

65. Plaintiff's complaints caused RVC to spend over $2,000,000 in repairs to various campus buildings.

66. Plaintiff's complaints to the IEPA and the various financial obligations required due to plaintiff's complaints made the defendant's Board of Trustees and administration angry at the plaintiff.

67. Defendant terminated plaintiff's employment in retaliation for her reporting what she reasonable believed to be violations of federal and/or state law.

WHEREFORE, plaintiff respectfully prays that this Honorable Court enter a judgment against all defendants and in her favor in an amount in excess of $75,000 plus costs and reasonable attorney's fees.

Respectfully submitted,

By: S/ Steven Glink
STEVEN E. GLINK

THE LAW OFFICES OF STEVEN GLINK, ARDC # 6180869
ATTORNEY FOR PLAINTIFF
3338 COMMERCIAL AVENUE
NORTHBROOK, ILLINOIS 60062
847/480-7749 (VOICE)
847/480-9501 (FACSIMILE)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form. #15M0515.09	AGENCY ☒ IDHR ☐ EEOC	CHARGE NUMBER 21BA52199

Illinois Department of Human Rights and EEOC

NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)		TELEPHONE NUMBER (include area code)
Ms. Renee Christensen		(224) 535-1535
STREET ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH M D YEAR
5128 Morning Glory Drive	Loves Park, Illinois 61111	1 / 4 / 65

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE NUMBER (include area code)
Rock Valley College	15+	(815) 921-7821
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY
3301 N. Mulford Road	Rockford, Illinois 61114	Winnebago

CAUSE OF DISCRIMINATION BASED ON:	DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL)
Disability	10/28/14 ☐ CONTINUING ACTION

THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:

I was hired by the Respondent in August, 1999 in the position of associate professor. From December 2013, until October 28, 2014, I was harassed, placed on administrative leave and suspended. On October 28, 2014, I was discharged.

I believe I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990.

Dept. of Human Rights
SWITCHBOARD
AUG 07 2015
RECEIVED
By:

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PLAINTIFF'S EXHIBIT A

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X Renee M Christensen 8/1/15

SIGNATURE OF COMPLAINANT DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Renee Christensen**
c/o Timothy O'Donoghue
KLEIN, DADAY, ARETOS & O'DONOGHUE LLC
2550 W. Golf Rd., Suite 250
Rolling Meadows, IL 60008

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
21B-2015-02199	**Zachary M. Florent, Investigator**	**(312) 869-8040**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman

Julianne Bowman,
District Director

6/13/17
(Date Mailed)

Enclosures(s)

cc: **ROCK VALLEY COLLEGE**
c/o Jennifer Jones
ROBBINS SCHWARTZ
55 W. Monroe, Suite 800
Chicago, IL 60603

PLAINTIFF'S EXHIBIT
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